IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 25529 of 2007(L)

PETITIONER:

GOPALAN BHASKARAN, AGED 62 YEARS,
S/O.GOPALAN,CHAIRMAN-CUM-MANAGING
DIRECTOR, MARINE PALACE RESORTS PVT. LTD,
VARKKALA, RESIDING AT "SOORYA"
PANTHAPLAVILA LANE, KONCHIRAVILA,
MANACAUD,TRIVANDRUM.

BY ADV. SRI.K.B.SURESH

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, REVENUE,GOVT,SECRETARIT,TRIVANDRUM.

2. THE DIRECTOR,SURVEY & LAND RECORDS,
TRIVANDRUM.

3. K.B.VIJAYAKUMAR, HEAD SURVEYOR,
TRIVANDRUM DISTRICT,OFFICE OF THE DISTRICT
SURVEY SUPERINTENDENT,TRIVANDRUM.

4. THE SUPERINTENDENT OF POLICE,
TRIVANDRUM (RURAL)

5. THE SUB INSPECTOR OF POLICE,
VARKALA.

6. SASIKUMARAN NAIR,AGED ABOUT 40 YEARS
S/O. VASUDEVAN PILLAI,VASUDEVA VILASAM,
JANARDHANAPURAM, VARKALA P.O.,
TRIVANDRUM DISTRICT.

BY ADV. SRI.M.BALAGOVINDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True photocopy of the judgment in W.P(C) No. 6003/2006 dated 23.3.2006 of this Hon'ble Court .

Ext.P2: True photo copy of the Order No.H5-26376/06 dated 21.12.2006 issued by the 2nd respondent to the petitioner.

Ext.P3: True photocopy of the Judgment in W.P(C) No. 16770/2006 dated 30.6.2006 of this Hon'ble Court.

Ext.P4: True photo copy of the order in I.A No. 17179/2006 in W.P © No. 16770/2006 dated 7.12.2006 of the Hon'ble High Court of Kerala.

Ext.P5: True photocopy of the letter issued by the Addl. Tahsildar, Chirayinkeezhu to the petitioner, dated 3.7.2007.

Ext.P6: True photocopy of the representation to the 5th respondent dated 18.8.2007 by the petitioner.

RESPONDENT'S EXHIBITS

Ext.R6(a): True copy of the Mahazer and F.I.R.

Ext.R6(b): True copy of the application submitted to the Thasildar on 3-04-2006

Ext.R6(c): True copy of the order issued by the Thasildar Chirayinkil to the Village Officer, Varkala on 31-07-2006

Ext.R6(d): True copy of the communication of the State Information Officer dated 30-06-2007.

Ext.R6(e): True copy of the application submitted to the office of the District Superintendent of Survey, Vanchiyoor, Thiruvananthapuram on 13-07-2007.

Ext.R6(f): True copy of the application to restore the suit to file.

//True copy//

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K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 25529 OF 2007-L

Dated 19th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The learned counsel for the petitioner submitted that the dispute between the parties has been settled and accordingly the writ petition may be closed. The learned counsel for the 6th respondent submitted that he has no instruction in the matter. The learned counsel for the petitioner prays, a direction may be issued to the surveyor concerned to issue a copy of the survey sketch.

2. In this jurisdiction we are concerned only with the failure of duty from the part of the police. For the relief against the surveyor, the petitioner may work out his remedy independently. The contentions concerning the

said matter are kept open. With the above observation the writ petition is closed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/